

REMARKS

Claims 1-32 are pending. In accordance with the foregoing, claims 1, 5 – 8, 10 – 11, 13, 16 – 25 and 29 – 32 are cancelled. Claims 2 and 26 are amended. The remainder of the claims are as previously presented. No claims are added.

Claims 2 and 26 have been amended by placing them in independent form, incorporating the limitations of claims 1 and 25, respectively. Claims 2 and 26 as amended thus have exactly the same scope as claims 2 and 26 as previously submitted. All remaining dependent claims correspondingly have exactly the same scope as previously submitted.

Rather than complicate the present prosecution by dealing with potential issues regarding amendments to the specification, the apparatus claims have been cancelled. Applicants reserve the right to re-present apparatus claims in a continuation of the present application, including any necessary amendments to the specification.

Claims 1-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (U.S. 5,331,966). This rejection is respectfully traversed.

All remaining claims include the limitation that the temporary buffer is allocated into two temporary memory buffers. However, in the rejection based upon the cited language of Bennett, buffer 40 must be considered to correspond to the temporary memory buffer and the RAM in microprocessor block 42 must be considered to correspond to the long term memory buffer. There is no disclosure of the buffer 40 being so divided. On the contrary, the text is clear that the full contents of the buffer 40, after compression, are always transferred to the RAM. As such, Bennett clearly does not anticipate claims 2 and 26 as previously presented, or any claims dependent thereon. Correspondingly, Bennett does not suggest its own modification contrary to the express teaching therein and cannot

reasonably be argued to render claims 2 or 26 or any of the claims dependent thereon obvious.

Withdrawal of the rejections of the remaining claims over Bennett is respectfully requested.

Submitted herewith is a supplemental IDS including a Programmer User's Manual for the Model 10343 implantable monitor, dated October, 1993. This device was implanted in a single center, limited clinical investigation outside the United States, and the device described is thus not itself believed to be available as prior art due to sale or public use in the United States. For the purposes of examining the present application, however, it is requested that the cited manual be considered to be a 102(b) prior publication, as it is not believed to render the invention as claimed unpatentable. Applicants do not concede that it is in fact available as such a publication and reserve the right to demonstrate by competent evidence that in view of the confidentiality obligations associated with the clinical investigation and other relevant facts it cannot properly be so considered.

Entry of the present amendment and reconsideration of the remaining claims is respectfully requested. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date

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